

File Into Security

TUESDAY, DECEMBER 29, 1992 A15

Mary Cheh

Half A Billion For Locks

If Bill Clinton is looking for an immediate and dramatic break with some flawed Reagan-Bush policies, he would do well to take aim at the government's wildly out-of-control practices in the area of keeping national secrets. Acting by executive order, Clinton could save huge amounts of money, strike a blow for democratic principles and actually strengthen the security of a trimmed-down list of secrets that really are important to the nation.

There is wide agreement, even in the national security community, that current U.S. secrecy practices are excessive and archaic. Right now there are thousands of government employees who wield the censor's stamp, and tens of millions of classified documents. Some 4 million people in all are cleared for access to this staggering mound of information.

Presidents Eisenhower, Nixon and Carter tried to corral this runaway system. They limited the categories of information stamped secret, and they mandated automatic declassification of some data. Carter ordered that information be kept secret only if publication would cause identifiable, not speculative, harm, and then only if the harm outweighed the benefits of public disclosure. He also provided for automatic declassification of certain information after six years.

In contrast, President Reagan issued an executive order requiring that all doubts about classification be resolved in favor of secrecy. That order, still in effect, mandates continued secrecy even if the public benefits from disclosure are clear and overwhelming. It eliminates automatic declassification. Reagan also required hundreds of thousands of federal employees to sign agreements not to disclose classified data, and tried to force thousands to sign prepublication review agreements. These agreements, now used principally by the CIA, impose a lifetime obligation to get advance government clearance of all books, lectures, speeches and testimony based on the

author's previous government experience. For leaks of classified data, Reagan proposed that all executive agencies use lie detectors to seek out the culprits.

And what did these actions accomplish? Not much. Yes, there were millions more secrets, and some government employees were brought to heel, even fired. But leaks of classified data proceeded apace. Worse, there was a rash of true espionage cases during Reagan's tenure, and sensitive technologies continued to flow to adversary governments.

Reagan's efforts were ineffective against real national security threats because they were not aimed at real spies. The whole effort was a reflexive and misguided effort to clamp down on leakers and whistleblowers.

Keeping secrets is expensive. They must be stored and kept secure. For example, Congress recently directed the Pentagon to put state-of-the-art locks on some 200,000 safes and filing cabinets that hold classified data, at a cost estimated between \$200 million and \$500 million. Moreover, people who have access to secrets must have security clearances, which require background investigations. Millions of dollars are spent annually on security checks, field work and administrative courts that handle nothing but clearance cases.

There are multiple indirect costs too. Competition among contractors for classified work is distorted by a system that inevitably gives preference to firms that already hold security clearances. Scientific and technological advances are hindered by compartmentalizing research data and releasing it selectively or not at all.

The greatest cost, though, is the hidden toll on principles of government. Excessive secrecy impairs congressional and public oversight of executive action and distorts public debate on important policy questions. It enables the executive to skew public discussion through selective release of information.

Even those who are unsympathetic to general appeals to fairness or democratic values should object to overclassification because it actually undermines an effective secrecy system. It is simply impossible to maintain the integrity of a system that has reached the dimensions of the present one. Its porous quality produces a lax attitude toward secrets and creates a climate in which leaks are part of everyday governance. We simply cannot monitor millions of people keeping millions of secrets.

What should Mr. Clinton do as president? He should tailor secrecy to legitimate needs and narrow the categories of secret information to continuing diplomatic relations, secret intelligence codes and decoding methods and practices, military weapons design and specifications, and military operational plans. He should restore the presumption of openness and prescribe that the public interest be a

factor in all classification decisions. He should order automatic declassification of most documents and dramatically reduce the number of persons with clearance.

Admittedly, even presidential orders are not enough. Bureaucrats don't easily shed the habit of secrecy; Carter's automatic declassification requirement was largely ignored by executive branch employees. The president may need some cover. Those with vested interests in maintaining the current secrecy dinosaur will shout that national security is being imperiled. The president should enlist Congress to adopt and enforce comprehensive reforms.

There is so much about our past that remains hidden—information about scientific testing, environmental destruction, intervention in the affairs of foreign governments, surveillance of U.S. citizens and persecution of internal "enemies." Perhaps Mr. Clinton will match his willingness to go among the people with a desire to fling open some government windows.

*The writer is a law professor at the
George Washington University.*